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EXAMINER

TRUONG, THANHNGA B

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER E. MITCHELL and
WEI-QUIANG MICHAEL GUO

Appeal 2007-4449
Application 09/836,584¹
Technology Center 2100

Decided: May 15, 2008

Before JAMES D. THOMAS, JEAN R. HOMERE, and
CAROLYN D. THOMAS, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's rejection of claims 1 through 47. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

¹ Filed on April 16, 2001. The real party in interest is Microsoft Corp.

The Invention

Appellants invented a method and system for allowing parents and guardians to maintain an online profile at a remote server to restrict the access of minors to specified websites. (Spec. 1.) As depicted in Figure 4, the system (10) includes a client computer system (202) associated with a parent entity and a child entity from which the parent entity selectively provides consent information to an affiliate server (206) regarding sites that the child entity is allowed to access. The parent entity is able to access the child entity's profile on the affiliate server to update the consent information without the child entity being actually logged in. (Spec. 22-24.)

Claims 1, 9, and 32 further illustrate the invention. They read as follows:

1. A method comprising:

associating a first entity with a second entity in a first device; and

selectively providing information about the association of the first and second entities to a second device as directed by the first entity, without requiring the second entity to be operatively associated with either the first or second device.

9. The method as recited in Claim 3, wherein the first entity is a parent/guardian of the second entity.

32. A computer-readable medium having stored thereon a data structure, comprising:

a validation code that identifies a first entity and a second entity.

In rejecting the claims on appeal, the Examiner relies upon the following prior art:

Baker	US 5,678,041	Oct. 14, 1997
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The Examiner rejects the claims on appeal as follows:

Claims 1 through 47² stand rejected under 35 U.S.C. § 102(b) as being anticipated by Baker.

FINDINGS OF FACT

The following findings of fact (FF) are supported by a preponderance of the evidence.

Baker

1. Baker discloses a system for allowing a parent/teacher to provide information to a proxy server (112) to restrict the access of children to designated resources (101-105) in a public network (100). (Figure 1, and col. 1, ll. 40-67.)

2. As depicted in Figure 1, Baker discloses that the proxy server (112) includes a relational database (114) containing user identification codes, a rating for each of the resources on the public network, URL requests, and clearance codes for the user terminals (107-109) indicating the

² We note that apparatus claims 38 through 40, and 46 improperly depend on the computer readable medium claim 36. This Opinion presumes that the cited claims properly depend on independent claim 37.

particular class of rating each terminal is allowed to access. (Col. 4, ll. 18-42.)

3. The proxy server (112) further includes a system administrator or manager that, via processor (111), sets up, and maintains access rights for each user terminal in the database (114) to thereby restrict their access to designated sites. (Abstract, col. 4, l. 44 - col. 5, l. 7.)

4. Upon receiving a URL request from a user terminal, the processor (111) queries the database (114) to determine whether the requesting terminal is authorized to access the requested information. If the database indicates that the user terminal's clearance does not allow the requested access, the processor informs the user terminal that access to the requested information is denied. (Col. 5, ll. 7-40.)

5. As shown in Figure 3, Baker discloses that the system manager can modify the database (302) from user terminal (108) by entering a proper ID and password to authenticate itself. (Col. 7, ll. 3-16.)

PRINCIPLES OF LAW ANTICIPATION

In rejecting claims under 35 U.S.C. § 102, “a single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375-76 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992). “Anticipation of a patent claim requires a finding that the claim at issue ‘reads on’ a prior art reference.” *Atlas Powder*

Co. v. IRECO, Inc., 190 F.3d 1342, 1346 (Fed Cir. 1999) (“In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.”) (internal citations omitted).

ANALYSIS

102 Rejections

Independent claim 1 recites in relevant part associating a first entity with a second entity in a first device to selectively provide to a second device information about the association of the two entities as directed by the first entity, without requiring the second entity to be operatively associated with either device. (App. Br. 27, Claims Appendix.) Appellants argue that Baker does not teach these limitations. (App. Br. 19-20.) The Examiner, in response, avers that Baker’s system for restricting users’ access rights to specified websites on the Internet, as directed by a system administrator, teaches the claimed invention. (Ans. 3-4, and 8-9.)

Therefore, the pivotal issue before us is whether one of ordinary skill in the art would find that Baker’s system for restricting user’s access rights to specified websites on the Internet, as directed by a system administrator, teaches a first entity for selectively providing to a second device information about its association with a second entity in a first device, without requiring the second entity to be operatively associated with either device, as claimed. We answer this inquiry in the affirmative.

As detailed in the Findings of Fact section above, Baker discloses a proxy server having a database that stores URL requests, and clearance information for each user terminal, as provided by the system administrator. (FF. 1-3.) One of ordinary skill in the art would readily recognize that Baker's proxy server is a first device which stores information obtained from the system administrator regarding the access rights of each user terminal. Therefore, the ordinarily skilled artisan would aptly recognize that Baker teaches associating the system administrator (first entity) with the user (second entity) in the proxy server (first device).

Next, Baker discloses that the system administrator informs the requesting user terminal (second device) whether or not it has denied the terminal's request to access a resource without the user being logged on either its own terminal or the proxy server. (FF. 4.) The ordinarily skilled artisan would thus recognize that the system administrator selectively informs the user terminal that the administrator has denied its request to access the resource without the user being logged in either its own device or the proxy server.

Alternatively, Baker discloses that the system administrator can utilize the user terminal to provide the needed association information to the proxy server. (FF. 5.) Therefore, the ordinarily skilled artisan would recognize that the user terminal can also be used as the first device from which the system administrator transmits association information regarding the user terminal to the proxy server (the second device in this case). It follows that Appellants have not shown that the Examiner erred in finding that Baker anticipates independent claim 1.

Regarding claim 9, Appellants argue that Baker does not teach that the first entity is a parent guardian entity. (App. Br. 24.) This argument is unavailing. As set forth in the Findings of Fact, Baker clearly discloses a parent/teacher for providing information to a proxy server to thereby restrict the access of a child/student to specified resources on the public access network. (FF. 1.) One of ordinary skill would appreciate such disclosure as teaching the claimed parent/guardian limitation. It follows that Appellants have not shown that the Examiner erred in finding that Baker anticipates claim 9.

Regarding claim 32, Appellants argue that Baker does not teach a validation code that identifies the first entity and the second entity. (App. Br. 22.) This argument is not persuasive. As set forth in the Findings of Fact, Baker discloses that the system administrator uses a validation code from the user terminal to authenticate itself. (FF. 5.) The ordinarily skilled artisan would readily recognize that this disclosure teaches the claimed validation code that distinguishes the system administrator from the user. It follows that Appellants have not shown that the Examiner erred in finding that Baker anticipates independent claim 32.

Appellants do not provide separate arguments with respect to the rejection of claims 2 through 8, 10 through 31, and 33 through 47. Therefore, we select claims 1, 9, and 32 as being representative of the cited claims. Consequently, claims 2 through 8, 10 through 31, and 33 through 47 fall together with representative claims 1, 9, and 32. 37 C.F.R. § 41.37(c)(1)(vii).

SUMMARY and DECISION

Appellants have not shown that the Examiner erred in concluding that Baker anticipates claims 1 through 47 under 35 U.S.C. § 102(b). Therefore we affirm this rejection.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

tdl/ce

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